

Prior law provided relative to the suspension and deferral of certain sentences for certain crimes under certain circumstances.

Prior law (C.Cr.P. Art. 894(A)(3)) provided that the court may suspend the whole or any part of a sentence imposed for a defendant convicted of a second offense DWI, placing the defendant on probation and requiring the defendant to meet certain conditions set by the court.

New law retains prior law and adds that when a case is assigned to an established DWI or sobriety court program certified by the La. Supreme Court Drug Court Office, the National Highway Traffic Safety Administration, or the La. Highway Safety Commission, with the consent of the district attorney, the court may place the defendant on probation for a period of no more than four years if the court determines that the successful completion of the program may require that the period of probation exceed the two-year limit.

Prior law authorized the court to dismiss prosecution when at the conclusion of the period of deferral, the court found that the defendant had not been convicted of any other offense, and no criminal charge was pending. New law further provides that the dismissal of a prosecution has the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a multiple offender.

New law amends prior law to provide that such convictions, although set aside, may still be considered as a prior offense, and not just a first offense, for purposes of subsequent prosecutions of the offender as a multiple offender.

Prior law provided that discharge and dismissal of a prosecution for the offense of operating a vehicle while intoxicated pursuant to prior law may occur only once with respect to any person during a 10-year period.

New law amends prior law to provide that if a single subsequent prosecution and conviction occurs during the 10-year period, the discharge and dismissal of the prosecution pursuant to the provisions of prior law may still occur if the offender successfully completes a DWI court or sobriety court program and any conditions set by the court pursuant to prior law (C.Cr.P. Art. 894(A)(3)) for the second DWI offense are met.

Effective August 1, 2012.

(Amends C.Cr.P. Art. 894(B)(2); adds C.Cr.P. Art. 894(A)(7) and (B)(3))